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Attorney for Defendant
VIVANT BEHAVIORAL HEALTHCARE, LLC

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

A.S. a pseudonym,

Plaintiff,

v.

STATE OF OREGON, by and through its Department of Human Services, RED ROCK CANYON SCHOOL, L.L.C., a limited liability company, RED ROCK CANYON SCHOOL NON-PROFIT ORGANIZATION, a foreign nonprofit; SEQUEL TSI HOLDINGS, LLC, a foreign limited liability company; SEQUEL YOUTH AND FAMILY SERVICES, LLC, a foreign limited liability company; VIVANT BEHAVIORAL HEALTHCARE, LLC, a foreign limited liability company; SEQUEL YOUTH SERVICES OF RED ROCK CANYON, LLC, a foreign limited liability company. MARILYN JONES, in her individual and official capacity; JANA MCLELLAN, in her individual and official capacity; GLENDA MARSHALL, in her individual and professional capacity; RYAN SANTI, in his individual and official capacity; GENA PALM, in her individual and professional capacity; and JOHN STUPAK, in his individual and official capacity,

Defendants.

Case No. 3:23-cv-01643-MO

DEFENDANT VIVANT BEHAVIORAL
HEALTHCARE, LLC'S ANSWER TO
PLAINTIFF'S COMPLAINT

In response to Plaintiff A.S. pseudonym's ("Plaintiff") Complaint, Vivant Behavioral Healthcare, LLC's ("VBH") admit, deny, and allege as follows:

1.

In response to Paragraph 1, VBH has never owned, managed, or operated, either directly or indirectly through any subsidiary, Sequel TSI Holdings, LLC, ("Sequel TSI"), Sequel Youth and Family Services, LLC ("Sequel YFS"), Sequel Youth Services of Red Rock Canyon LLC's ("Sequel YSRRC"), Red Rock Canyon School Non-Profit Organization ("RRCS NP"), and Red Rock Canyon School, LLC ("RRCS"), and VBH has never conducted business in the state of Oregon. Furthermore, VBH is without sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 1 and on that basis deny the same.

2.

In response to Paragraph 2, VBH has never owned, managed, or operated, either directly or indirectly through any subsidiary, Sequel TSI, Sequel YFS, Sequel YSRRC, RRCS NP, and RRCS, and VBH has never conducted business in the state of Oregon. Furthermore, VBH is without sufficient knowledge or information to form a belief as to the truth of the remaining allegations in Paragraph 2 and on that basis deny the same.

3.

In response to Paragraph 3, VBH has never owned, managed, or operated, either directly or indirectly through any subsidiary, Sequel TSI, Sequel YFS, Sequel YSRRC, RRCS NP, and RRCS, and VBH has never conducted business in the state of Oregon. Based on publicly available records, VBH admits that Red Rock Canyon School, LLC ("RRCS") is a limited liability company with its principal place of business in Utah. However, VBH is without sufficient knowledge or information to form a belief as to the truth of the remaining allegations in Paragraph 3 and on that basis deny the same.

4.

In response to Paragraph 4, VBH has never owned, managed, or operated, either directly or indirectly through any subsidiary, Sequel TSI, Sequel YFS, Sequel YSRRC, RRCS NP, and RRCS, and VBH has never conducted business in the state of Oregon. VBH denies that RRCS NP is a limited liability company, because, based on publicly available records, RRCS NP is a corporation, with its principal place of business in Utah. Furthermore, VBH is without sufficient knowledge or information to form a belief as to the truth of the remaining allegations in Paragraph 4 and on that basis deny the same.

5.

In response to Paragraph 5, VBH has never owned, managed, or operated, either directly or indirectly through any subsidiary, Sequel TSI, Sequel YFS, Sequel YSRRC, RRCS NP, and RRCS, and VBH has never conducted business in the state of Oregon. VBH is without sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 5 and on that basis deny the same.

6.

In response to Paragraph 6, VBH has never owned, managed, or operated, either directly or indirectly through any subsidiary, Sequel TSI, Sequel YFS, Sequel YSRRC, RRCS NP, and RRCS, and VBH has never conducted business in the state of Oregon. VBH admits that Sequel TSI is a limited liability company with a principal place of business in Huntsville, Alabama. However, VBH is without sufficient knowledge or information to form a belief as to the truth of the remaining allegations in Paragraph 6 and on that basis deny the same.

7.

In response to Paragraph 7, VBH has never owned, managed, or operated, either directly or indirectly through any subsidiary, Sequel TSI, Sequel YFS, Sequel YSRRC, RRCS NP, and RRCS, and VBH has never conducted business in the state of Oregon. VBH denies that it is an Alabama Limited Liability Corporation, because VBH is a Delaware corporation with its registered office in Montgomery, Alabama 36104. VBH further denies that it merged with Sequel

YFS, or that VBH has ever done business as Sequel YFS. VBH denies any ownership of Sequel YFS and Sequel TSI. VBH further denies that it owns, manages, or operates, either directly or indirectly through any subsidiary Sequel YFS, Sequel TSI, Sequel YSRRC, RRCS NP, and RRCS. In 2021, VBH did acquire certain subsidiaries of Sequel Youth and Family Services, LLC, however, none of these subsidiaries are located in Oregon or Utah, and none had any involvement with RRCS or any Defendants in this matter. Furthermore, VBH is without sufficient knowledge or information to form a belief as to the truth of the remaining allegations in Paragraph 7 and on that basis deny the same.

8.

In response to Paragraph 8, VBH has never owned, managed, or operated, either directly or indirectly through any subsidiary, Sequel TSI, Sequel YFS, Sequel YSRRC, RRCS NP, and RRCS, and VBH has never conducted business in the state of Oregon. VBH admits Marilyn Jones (“Jones”) is being sued in her individual capacity. However, VBH is without sufficient knowledge or information to form a belief as to the truth of the remaining allegations in Paragraph 8 and on that basis deny the same.

9.

In response to Paragraph 9, VBH has never owned, managed, or operated, either directly or indirectly through any subsidiary, Sequel TSI, Sequel YFS, Sequel YSRRC, RRCS NP, and RRCS, and VBH has never conducted business in the state of Oregon. VBH admits Jana McLellan (“McLellan”) is being sued in her individual capacity. However, VBH is without sufficient knowledge or information to form a belief as to the truth of the remaining allegations in Paragraph 9 and on that basis deny the same.

10.

In response to Paragraph 10, VBH has never owned, managed, or operated, either directly or indirectly through any subsidiary, Sequel TSI, Sequel YFS, Sequel YSRRC, RRCS NP, and RRCS, and VBH has never conducted business in the state of Oregon, VBH admits that Glenda

Marshall (“Marshall”) is being sued in her individual capacity. However, VBH is without sufficient knowledge or information to form a belief as to the truth of the remaining allegations in Paragraph 10 and on that basis deny the same.

11.

In response to Paragraph 11, VBH has never owned, managed, or operated, either directly or indirectly through any subsidiary, Sequel TSI, Sequel YFS, Sequel YSRRC, RRCS NP, and RRCS, and VBH has never conducted business in the state of Oregon. VBH admits Ryan Santi (“Santi”) is being sued in his individual capacity. However, VBH is without sufficient knowledge or information to form a belief as to the truth of the remaining allegations in Paragraph 11 and on that basis deny the same.

12.

In response to Paragraph 12, VBH has never owned, managed, or operated, either directly or indirectly through any subsidiary, Sequel TSI, Sequel YFS, Sequel YSRRC, RRCS NP, and RRCS, and VBH has never conducted business in the state of Oregon. VBH admits Gena Palm (“Palm”) is being sued in her individual capacity. However, VBH is without sufficient knowledge or information to form a belief as to the truth of the remaining allegations in Paragraph 12 and on that basis deny the same.

13.

In response to Paragraph 13, VBH has never owned, managed, or operated, either directly or indirectly through any subsidiary, Sequel TSI, Sequel YFS, Sequel YSRRC, RRCS NP, and RRCS, and VBH has never conducted business in the state of Oregon. VBH admits John Stupak (“Stupak”) is being sued in his individual capacity. However, VBH is without sufficient knowledge or information to form a belief as to the truth of the remaining allegations in Paragraph 13 and on that basis deny the same.

14.

In response to Paragraph 14, VBH has never owned, managed, or operated, either directly or indirectly through any subsidiary, Sequel TSI, Sequel YFS, Sequel YSRRC, RRCS NP, and RRCS, and VBH has never conducted business in the state of Oregon. Furthermore, VBH is without sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 14 and on that basis deny the same.

15.

In response to Paragraph 15, VBH has never owned, managed, or operated, either directly or indirectly through any subsidiary, Sequel TSI, Sequel YFS, Sequel YSRRC, RRCS NP, and RRCS, and VBH has never conducted business in the state of Oregon. VBH admits RRCS is located at 747 E St George Blvd, St. George, UT 84770. However, VBH is without sufficient knowledge or information to form a belief as to the truth of the remaining allegations in Paragraph 15 and on that basis deny the same.

16.

In response to Paragraph 16, VBH has never owned, managed, or operated, either directly or indirectly through any subsidiary, Sequel TSI, Sequel YFS, Sequel YSRRC, RRCS NP, and RRCS, and VBH has never conducted business in the state of Oregon. Furthermore, VBH is without sufficient knowledge or information to form a belief as to the truth of the remaining allegations in Paragraph 16 and on that basis deny the same.

17.

In response to Paragraph 17, VBH has never owned, managed, or operated, either directly or indirectly through any subsidiary, Sequel TSI, Sequel YFS, Sequel YSRRC, RRCS NP, and RRCS, and VBH has never conducted business in the state of Oregon. Furthermore, VBH is without sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 17 and on that basis deny the same.

18.

In response to Paragraph 18, VBH has never owned, managed, or operated, either directly or indirectly through any subsidiary, Sequel TSI, Sequel YFS, Sequel YSRRC, RRCS NP, and RRCS, and VBH has never conducted business in the state of Oregon. Furthermore, VBH is without sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 18 and on that basis deny the same.

19.

In response to Paragraph 19, VBH has never owned, managed, or operated, either directly or indirectly through any subsidiary, Sequel TSI, Sequel YFS, Sequel YSRRC, RRCS NP, and RRCS, and VBH has never conducted business in the state of Oregon. VBH denies any contract with the State of Oregon and/or DHS. Furthermore, VBH is without sufficient knowledge or information to form a belief as to the truth of the remaining allegations in Paragraph 19 and on that basis deny the same.

20.

In response to Paragraph 20, VBH has never owned, managed, or operated, either directly or indirectly through any subsidiary, Sequel TSI, Sequel YFS, Sequel YSRRC, RRCS NP, and RRCS, and VBH has never conducted business in the state of Oregon. VBH is without sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 20 and on that basis deny the same.

21.

In response to Paragraph 21, VBH has never owned, managed, or operated, either directly or indirectly through any subsidiary, Sequel TSI, Sequel YFS, Sequel YSRRC, RRCS NP, and RRCS, and VBH has never conducted business in the state of Oregon. VBH is without sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 21 and on that basis deny the same.

22.

In response to Paragraph 22, VBH has never owned, managed, or operated, either directly or indirectly through any subsidiary, Sequel TSI, Sequel YFS, Sequel YSRRC, RRCS NP, and RRCS, and VBH has never conducted business in the state of Oregon. VBH is without sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 22 and on that basis deny the same.

23.

In response to Paragraph 23, VBH denies knowledge of any duties the U.S. Constitution due process clause imposes on DHS and child welfare providers acting on behalf of DHS. VBH is without sufficient knowledge or information to form a belief as to the truth of the remaining allegations in Paragraph 23 and on that basis deny the same.

24.

In response to Paragraph 24, VBH has never conducted business in the state of Oregon. VBH denies knowledge of Oregon's laws relating to foster children or children. VBH is without sufficient knowledge or information to form a belief as to the truth of the remaining allegations in Paragraph 24 and on that basis deny the same.

25.

In response to Paragraph 25, VBH has never conducted business in the state of Oregon. VBH denies knowledge of Oregon's statutes and administrative rules relating to the professional standard of care Oregon imposes on child welfare providers. VBH is without sufficient knowledge or information to form a belief as to the truth of the remaining allegations in Paragraph 25 and on that basis deny the same.

26.

In response to Paragraph 26, VBH has never owned, managed, or operated, either directly or indirectly through any subsidiary, Sequel TSI, Sequel YFS, Sequel YSRRC, RRCS NP, and RRCS, and VBH has never conducted business in the state of Oregon. VBH denies knowledge of

Oregon's professional standard of care for child welfare providers. VBH is without sufficient knowledge or information to form a belief as to the truth of the remaining allegations in Paragraph 26 and on that basis deny the same.

27.

In response to Paragraph 27, VBH has never owned, managed, or operated, either directly or indirectly through any subsidiary, Sequel TSI, Sequel YFS, Sequel YSRRC, RRCS NP, and RRCS, and VBH has never conducted business in the state of Oregon. VBH is without sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 27 and on that basis deny the same.

28.

In response to Paragraph 28, VBH has never owned, managed, or operated, either directly or indirectly through any subsidiary, Sequel TSI, Sequel YFS, Sequel YSRRC, RRCS NP, and RRCS, and VBH has never conducted business in the state of Oregon. VBH is without sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 28 and on that basis deny the same.

29.

In response to Paragraph 29, VBH is without sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 29 and on that basis deny the same.

30.

In response to Paragraph 30, VBH has never owned, managed, or operated, either directly or indirectly through any subsidiary, Sequel TSI, Sequel YFS, Sequel YSRRC, RRCS NP, and RRCS, and VBH has never conducted business in the state of Oregon. VBH is without sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 30 and on that basis deny the same.

31.

In response to Paragraph 31, VBH has never owned, managed, or operated, either directly or indirectly through any subsidiary, Sequel TSI, Sequel YFS, Sequel YSRRC, RRCS NP, and RRCS, and VBH has never conducted business in the state of Oregon. VBH is without sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 31 and on that basis deny the same.

32.

In response to Paragraph 32, VBH has never owned, managed, or operated, either directly or indirectly through any subsidiary, Sequel TSI, Sequel YFS, Sequel YSRRC, RRCS NP, and RRCS, and VBH has never conducted business in the state of Oregon. VBH is without sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 32 and on that basis deny the same.

33.

In response to Paragraph 33, VBH has never owned, managed, or operated, either directly or indirectly through any subsidiary, Sequel TSI, Sequel YFS, Sequel YSRRC, RRCS NP, and RRCS, and VBH has never conducted business in the state of Oregon. VBH is without sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 33 and on that basis deny the same.

34.

In response to Paragraph 34, VBH has never owned, managed, or operated, either directly or indirectly through any subsidiary, Sequel TSI, Sequel YFS, Sequel YSRRC, RRCS NP, and RRCS, and VBH has never conducted business in the state of Oregon. VBH is without sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 34 and on that basis deny the same.

35.

In response to Paragraph 35, VBH has never owned, managed, or operated, either directly or indirectly through any subsidiary, Sequel TSI, Sequel YFS, Sequel YSRRC, RRCS NP, and RRCS, and VBH has never conducted business in the state of Oregon. VBH is without sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 35 and on that basis deny the same.

36.

In response to Paragraph 36, VBH has never owned, managed, or operated, either directly or indirectly through any subsidiary, Sequel TSI, Sequel YFS, Sequel YSRRC, RRCS NP, and RRCS, and VBH has never conducted business in the state of Oregon. VBH is without sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 36 and on that basis deny the same.

37.

In response to Paragraph 37, VBH has never owned, managed, or operated, either directly or indirectly through any subsidiary, Sequel TSI, Sequel YFS, Sequel YSRRC, RRCS NP, and RRCS, and VBH has never conducted business in the state of Oregon. VBH is without sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 37 and on that basis deny the same.

38.

In response to Paragraph 38, VBH has never owned, managed, or operated, either directly or indirectly through any subsidiary, Sequel TSI, Sequel YFS, Sequel YSRRC, RRCS NP, and RRCS, and VBH has never conducted business in the state of Oregon. VBH is without sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 38 and on that basis deny the same.

39.

In response to Paragraph 39, VBH has never owned, managed, or operated, either directly or indirectly through any subsidiary, Sequel TSI, Sequel YFS, Sequel YSRRC, RRCS NP, and RRCS, and VBH has never conducted business in the state of Oregon. VBH is without sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 39 and on that basis deny the same.

40.

In response to Paragraph 40, VBH has never owned, managed, or operated, either directly or indirectly through any subsidiary, Sequel TSI, Sequel YFS, Sequel YSRRC, RRCS NP, and RRCS, and VBH has never conducted business in the state of Oregon. VBH is without sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 40 and on that basis deny the same.

41.

In response to Paragraph 41, VBH has never owned, managed, or operated, either directly or indirectly through any subsidiary, Sequel TSI, Sequel YFS, Sequel YSRRC, RRCS NP, and RRCS, and VBH has never conducted business in the state of Oregon. VBH is without sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 41 and on that basis deny the same.

42.

In response to Paragraph 42, VBH has never owned, managed, or operated, either directly or indirectly through any subsidiary, Sequel TSI, Sequel YFS, Sequel YSRRC, RRCS NP, and RRCS, and VBH has never conducted business in the state of Oregon. VBH is without sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 42 and on that basis deny the same.

43.

In response to Paragraph 43, VBH has never owned, managed, or operated, either directly or indirectly through any subsidiary, Sequel TSI, Sequel YFS, Sequel YSRRC, RRCS NP, and RRCS, and VBH has never conducted business in the state of Oregon. VBH is without sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 43 and on that basis deny the same.

44.

In response to Paragraph 44, VBH has never owned, managed, or operated, either directly or indirectly through any subsidiary, Sequel TSI, Sequel YFS, Sequel YSRRC, RRCS NP, and RRCS, and VBH has never conducted business in the state of Oregon. VBH is without sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 44 and on that basis deny the same.

45.

In response to Paragraph 45, VBH has never owned, managed, or operated, either directly or indirectly through any subsidiary, Sequel TSI, Sequel YFS, Sequel YSRRC, RRCS NP, and RRCS, and VBH has never conducted business in the state of Oregon. VBH is without sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 45 and on that basis deny the same.

46.

In response to Paragraph 46, VBH has never owned, managed, or operated, either directly or indirectly through any subsidiary, Sequel TSI, Sequel YFS, Sequel YSRRC, RRCS NP, and RRCS, and VBH has never conducted business in the state of Oregon. VBH is without sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 46 and on that basis deny the same.

47.

In response to Paragraph 47, VBH has never owned, managed, or operated, either directly or indirectly through any subsidiary, Sequel TSI, Sequel YFS, Sequel YSRRC, RRCS NP, and RRCS, and VBH has never conducted business in the state of Oregon. VBH is without sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 47 and on that basis deny the same.

48.

In response to Paragraph 48, VBH has never owned, managed, or operated, either directly or indirectly through any subsidiary, Sequel TSI, Sequel YFS, Sequel YSRRC, RRCS NP, and RRCS, and VBH has never conducted business in the state of Oregon. VBH is without sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 48 and on that basis deny the same.

49.

In response to Paragraph 49, VBH is without sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 49 and on that basis deny the same.

FIRST CLAIM FOR RELIEF

NEGLIGENCE

(Against DHS and Red Rock Management)

50.

In response to Paragraph 50, VBH has never owned, managed, or operated, either directly or indirectly through any subsidiary, Sequel TSI, Sequel YFS, Sequel YSRRC, RRCS NP, and RRCS, and VBH has never conducted business in the state of Oregon. VBH is without sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 50 and on that basis deny the same.

51.

In response to Paragraph 51, VBH has never owned, managed, or operated, either directly or indirectly through any subsidiary, Sequel TSI, Sequel YFS, Sequel YSRRC, RRCS NP, and RRCS, and VBH has never conducted business in the state of Oregon. VBH is without sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 51 and on that basis deny the same.

COUNT 2 AGAINST RED ROCK'S MANAGEMENT

52.

In response to Paragraph 52, VBH has never owned, managed, or operated, either directly or indirectly through any subsidiary, Sequel TSI, Sequel YFS, Sequel YSRRC, RRCS NP, and RRCS, and VBH has never conducted business in the state of Oregon. VBH is without sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 52 and on that basis deny the same.

53.

In response to Paragraph 53(a)-(i), VBH has never owned, managed, or operated, either directly or indirectly through any subsidiary, Sequel TSI, Sequel YFS, Sequel YSRRC, RRCS NP, and RRCS, and VBH has never conducted business in the state of Oregon. VBH is without sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 53 and on that basis deny the same.

COUNT 3 NEGLIGENCE *PER SE* AGAINST DHS

55. (sic)

In response to Paragraph 55(a)-(h), VBH has never owned, managed, or operated, either directly or indirectly through any subsidiary, Sequel TSI, Sequel YFS, Sequel YSRRC, RRCS NP, and RRCS, and VBH has never conducted business in the state of Oregon. VBH is without sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 55 and on that basis deny the same.

COUNT 4 NEGLIGENCE PER SE AGAINST RED ROCK MANAGEMENT

56.

In response to Paragraph 56(a)-(d), VBH has never owned, managed, or operated, either directly or indirectly through any subsidiary, Sequel TSI, Sequel YFS, Sequel YSRRC, RRCS NP, and RRCS, and VBH has never conducted business in the state of Oregon. VBH is without sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 56 and on that basis deny the same.

57.

In response to Paragraph 57, VBH is without sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 57 and on that basis deny the same.

SECOND CLAIM FOR RELIEF

BATTERY

(Against Red Rock Management)

58.

In response to Paragraph 58, VBH has never owned, managed, or operated, either directly or indirectly through any subsidiary, Sequel TSI, Sequel YFS, Sequel YSRRC, RRCS NP, and RRCS, and VBH has never conducted business in the state of Oregon. VBH is without sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 58 and on that basis deny the same.

59.

In response to Paragraph 59, VBH has never owned, managed, or operated, either directly or indirectly through any subsidiary, Sequel TSI, Sequel YFS, Sequel YSRRC, RRCS NP, and RRCS, and VBH has never conducted business in the state of Oregon. VBH is without sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 59 and on that basis deny the same.

60.

In response to Paragraph 60, VBH is without sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 60 and on that basis deny the same.

THIRD CLAIM FOR RELIEF

INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

(Against Red Rock Management)

61.

In response to Paragraph 61, VBH has never owned, managed, or operated, either directly or indirectly through any subsidiary, Sequel TSI, Sequel YFS, Sequel YSRRC, RRCS NP, and RRCS, and VBH has never conducted business in the state of Oregon. VBH is without sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 61 and on that basis deny the same.

62.

In response to Paragraph 62, VBH has never owned, managed, or operated, either directly or indirectly through any subsidiary, Sequel TSI, Sequel YFS, Sequel YSRRC, RRCS NP, and RRCS, and VBH has never conducted business in the state of Oregon. VBH is without sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 62 and on that basis deny the same.

63.

In response to Paragraph 63, VBH is without sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 63 and on that basis deny the same.

FOURTH CLAIM FOR RELIEF

42 U.S.C. § 1983

FIRST AMENDMENT VIOLATION

(Against Red Rock Management, Santi, Palm, and Stupak, in their professional capacities)

64.

In response to Paragraph 64, VBH has never owned, managed, or operated, either directly or indirectly through any subsidiary, Sequel TSI, Sequel YFS, Sequel YSRRC, RRCS NP, and RRCS, and VBH has never conducted business in the state of Oregon. VBH is without sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 64, and on that basis deny the same.

65.

In response to Paragraph XX, VBH has never owned, managed, or operated, either directly or indirectly through any subsidiary, Sequel TSI, Sequel YFS, Sequel YSRRC, RRCS NP, and RRCS, and VBH has never conducted business in the state of Oregon. VBH is without sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph XX and on that basis deny the same.

66.

In response to Paragraph 66(a)-(d), VBH has never owned, managed, or operated, either directly or indirectly through any subsidiary, Sequel TSI, Sequel YFS, Sequel YSRRC, RRCS NP, and RRCS, and VBH has never conducted business in the state of Oregon. VBH is without sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 66 and on that basis deny the same.

67.

In response to Paragraph 67, VBH has never owned, managed, or operated, either directly or indirectly through any subsidiary, Sequel TSI, Sequel YFS, Sequel YSRRC, RRCS NP, and RRCS, and VBH has never conducted business in the state of Oregon. VBH is without sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 67 and on that basis deny the same.

68.

In response to Paragraph 68, VBH has never owned, managed, or operated, either directly or indirectly through any subsidiary, Sequel TSI, Sequel YFS, Sequel YSRRC, RRCS NP, and RRCS, and VBH has never conducted business in the state of Oregon. VBH is without sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 68 and on that basis deny the same.

69.

In response to Paragraph 69, VBH is without sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 69 and on that basis deny the same.

70.

In response to Paragraph 70, VBH is without sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph XX and on that basis deny the same.

71.

In response to Paragraph 71, VBH has never owned, managed, or operated, either directly or indirectly through any subsidiary, Sequel TSI, Sequel YFS, Sequel YSRRC, RRCS NP, and RRCS, and VBH has never conducted business in the state of Oregon. VBH is without sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 71 and on that basis deny the same.

FIFTH CLAIM FOR RELIEF

42 U.S.C. § 1983

FIFTH AND FOURTH AENDMENT VIOLATION OF LIBERTY INTEREST AND DUE PROCESS

(Against Red Rock Management, Santi, Palm, and Stupak, in their professional capacities)

72.

In response to Paragraph 72, VBH has never owned, managed, or operated, either directly or indirectly through any subsidiary, Sequel TSI, Sequel YFS, Sequel YSRRC, RRCS NP, and RRCS, and VBH has never conducted business in the state of Oregon. VBH is without sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 72 and on that basis deny the same.

73.

In response to Paragraph 73, VBH is without sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 73 and on that basis deny the same.

74.

In response to Paragraph 74, VBH has never owned, managed, or operated, either directly or indirectly through any subsidiary, Sequel TSI, Sequel YFS, Sequel YSRRC, RRCS NP, and RRCS, and VBH has never conducted business in the state of Oregon. VBH is without sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 74 and on that basis deny the same.

75.

In response to Paragraph 75, (a)-(c), VBH is without sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 75 and on that basis deny the same.

76.

In response to Paragraph 76, VBH has never owned, managed, or operated, either directly or indirectly through any subsidiary, Sequel TSI, Sequel YFS, Sequel YSRRC, RRCS NP, and RRCS, and VBH has never conducted business in the state of Oregon. VBH is without sufficient

knowledge or information to form a belief as to the truth of the allegations in Paragraph 76 and on that basis deny the same.

77.

In response to Paragraph 77, VBH has never owned, managed, or operated, either directly or indirectly through any subsidiary, Sequel TSI, Sequel YFS, Sequel YSRRC, RRCS NP, and RRCS, and VBH has never conducted business in the state of Oregon. VBH is without sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 77 and on that basis deny the same.

78.

In response to Paragraph 78, VBH is without sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 78 and on that basis deny the same.

79.

In response to Paragraph 79, VBH is without sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 79 and on that basis deny the same.

SIXTH CLAIM FOR RELIEF

42 U.S.C. § 1983

**MONELL UNCONSTITUTIONAL/ILLEGAL CUSTOM, POLICY OR
PROCEDURE**

(Against Red Rock Management, Jones, Marshall, and McLellan, in their professional capacities)

80.

In response to Paragraph 80, VBH has never owned, managed, or operated, either directly or indirectly through any subsidiary, Sequel TSI, Sequel YFS, Sequel YSRRC, RRCS NP, and RRCS, and VBH has never conducted business in the state of Oregon. VBH is without sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 80 and on that basis deny the same.

81.

In response to Paragraph 81, VBH has never owned, managed, or operated, either directly or indirectly through any subsidiary, Sequel TSI, Sequel YFS, Sequel YSRRC, RRCS NP, and RRCS, and VBH has never conducted business in the state of Oregon. VBH is without sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 81 and on that basis deny the same.

82.

In response to Paragraph 82, VBH has never owned, managed, or operated, either directly or indirectly through any subsidiary, Sequel TSI, Sequel YFS, Sequel YSRRC, RRCS NP, and RRCS, and VBH has never conducted business in the state of Oregon. VBH is without sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 82 and on that basis deny the same.

83.

In response to Paragraph 83, VBH has never owned, managed, or operated, either directly or indirectly through any subsidiary, Sequel TSI, Sequel YFS, Sequel YSRRC, RRCS NP, and RRCS, and VBH has never conducted business in the state of Oregon. VBH is without sufficient

knowledge or information to form a belief as to the truth of the allegations in Paragraph 83 and on that basis deny the same.

84.

In response to Paragraph 84, VBH has never owned, managed, or operated, either directly or indirectly through any subsidiary, Sequel TSI, Sequel YFS, Sequel YSRRC, RRCS NP, and RRCS, and VBH has never conducted business in the state of Oregon. VBH is without sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 84 and on that basis deny the same.

85.

In response to Paragraph 85, VBH has never owned, managed, or operated, either directly or indirectly through any subsidiary, Sequel TSI, Sequel YFS, Sequel YSRRC, RRCS NP, and RRCS, and VBH has never conducted business in the state of Oregon. VBH is without sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 85 and on that basis deny the same.

86.

In response to Paragraph 86, VBH has never owned, managed, or operated, either directly or indirectly through any subsidiary, Sequel TSI, Sequel YFS, Sequel YSRRC, RRCS NP, and RRCS, and VBH has never conducted business in the state of Oregon. VBH is without sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 86 and on that basis deny the same.

SEVENTH CLAIM FOR RELIEF

42 U.S.C. § 1983

SUPERVISOR LIABILITY

CIVIL RIGHTS CLAIM – 5TH AND/OR 4TH AMENDMENTS

(Against Santi, Palm, and Stupak, in their individual capacities)

87.

Not Applicable to VBH.

88.

Not Applicable to VBH.

89.

Not Applicable to VBH.

90.

Not Applicable to VBH.

91.

Not Applicable to VBH.

EIGHTH CLAIM FOR RELIEF

STATE CREATED DANGER

CIVIL RIGHTS CLAIM – 5TH AND/OR 4TH AMENDMENTS

(Against Jones, Marshall, and McLellan in their individual capacities)

92.

Not Applicable to VBH.

93.

Not Applicable to VBH.

94.

Not Applicable to VBH.

95.

Not Applicable to VBH.

96.

Not Applicable to VBH.

97.

Not Applicable to VBH.

PRAYERS FOR RELIEF

In response to Paragraph I-V, in Plaintiffs' prayer for relief, VBH has never owned, managed, or operated, either directly or indirectly through any subsidiary, Sequel TSI, Sequel YFS, Sequel YSRRC, RRCS NP, and RRCS, and VBH has never conducted business in the state of Oregon. VBH is without sufficient knowledge or information to form a belief as to the truth of Plaintiff's alleged damages, and Plaintiff's entitlement to the same.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

(No Personal Jurisdiction)

1.

This Court lacks personal jurisdiction over VBH because VBH has never owned, managed, or operated, either directly or indirectly through any subsidiary, Sequel TSI, Sequel YFS, Sequel YSRRC, RRCS NP, and RRCS, and VBH has never conducted business in the state of Oregon. (Attached hereto is **Exhibit A**, Affidavit of Jacob Brantz, the Chief Financial Officer of VBH, in support).

SECOND AFFIRMATIVE DEFENSE

(No Duty of Care)

2.

VBH does not owe a duty to Plaintiff. This Court lacks personal jurisdiction over VBH because VBH has never owned, managed, or operated, either directly or indirectly through any

subsidiary, Sequel TSI, Sequel YFS, Sequel YSRRC, RRCS NP, and RRCS, and VBH has never conducted business in the state of Oregon. (Attached hereto is **Exhibit A**, Affidavit of Jacob Brantz, the Chief Financial Officer of VBH, in support).

THIRD AFFIRMATIVE DEFENSE

(Lack of Standing)

3.

Plaintiff lacks standing under federal or state law to seek relief against VBH because VBH has never owned, managed, or operated, either directly or indirectly through any subsidiary, Sequel TSI, Sequel YFS, Sequel YSRRC, RRCS NP, and RRCS, and VBH has never conducted business in the state of Oregon. (Attached hereto is **Exhibit A**, Affidavit of Jacob Brantz, the Chief Financial Officer of VBH, in support).

FOURTH AFFIRMATIVE DEFENSE

(VBH is Not a State or Government Actor)

4.

VBH is not a federal or state actor, and as such, VBH is not liable under 42 U.S. Code § 1983.

FIFTH AFFIRMATIVE DEFENSE

(No Outrageous Conduct)

5.

VBH did not engage in any outrageous conduct because VBH has never owned, managed, or operated, either directly or indirectly through any subsidiary, Sequel TSI, Sequel YFS, Sequel

YSRRC, RRCS NP, and RRCS, and VBH has never conducted business in the state of Oregon. (Attached hereto is **Exhibit A**, Affidavit of Jacob Brantz, the Chief Financial Officer of VBH, in support).

SIXTH AFFIRMATIVE DEFENSE

(Statute of Limitations)

6.

Plaintiff's claims are barred in whole or in part by the applicable statutes of limitations.

SEVENTH AFFIRMATIVE DEFENSE

(No Battery on Behalf of VBH)

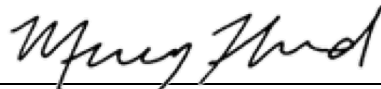
7.

VBH did not have any type of contact with Plaintiff, furthermore, VBH has never owned, managed, or operated, either directly or indirectly through any subsidiary, Sequel TSI, Sequel YFS, Sequel YSRRC, RRCS NP, and RRCS, and VBH has never conducted business in the state of Oregon. (Attached hereto is **Exhibit A**, Affidavit of Jacob Brantz, the Chief Financial Officer of VBH, in support). As such, VBH could not be liable for Plaintiff's cause of action for battery.

WHEREFORE, VBH prays for judgment against Plaintiff as follows:

1. Dismissing VBH from this matter with prejudice,
2. For any other relief the Court may deem equitable and just.

DATED: November 29, 2023.



Minney Thind, OSB# 232144

Buchanan Ingersoll, PC

401 W A St., Ste. 1900

San Diego, CA 92101

Attorney for Vivant Behavioral Healthcare

Exhibit A

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

A.S. a pseudonym,

Plaintiff,

Case No.: 23CV38869

vs.

STATE OF OREGON, by and through its Department of Human Services, RED ROCK CANYON SCHOOL, L.L.C., a limited liability company, RED ROCK CANYON SCHOOL NON-PROFIT ORGANIZATION, a foreign nonprofit; SEQUEL TSI HOLDINGS, LLC, a foreign limited liability company; SEQUEL YOUTH AND FAMILY SERVICES, LLC, a foreign limited liability company; VIVANT BEHAVIORAL HEALTHCARE, LLC, a foreign limited liability company; SEQUEL YOUTH SERVICES OF RED ROCK CANYON, LLC, a foreign limited liability company. MARILYN JONES in her individual and official capacity; JANA MCLELLAN, in her individual and official capacity; GLENDA MARSHALL in her individual and professional capacity; RYAN SANTI, in his individual and official capacity; GENA PALM, in her individual and professional capacity; and JOHN STUPAK, in his individual and official capacity.

Defendants.

**AFFIDAVIT OF NON-INVOLVEMENT OF
VIVANT BEHAVIORAL HEALTHCARE, LLC**

I, Jacob Brantz, being duly sworn, state the following:

1. I am over 18 years of age, of sound mind, and otherwise competent to make this Affidavit.

2. The facts set forth in this Affidavit are based on facts known to me personally through my work as the Chief Financial Officer of Vivant Behavioral Healthcare, LLC (“Vivant”), both through firsthand knowledge in the course of my business activities and from a review of available business records.

3. Vivant was established and began operations in 2021.

4. The Complaint in this lawsuit makes allegations regarding Red Rock Canyon School from January 22, 2018 through May 31, 2019 (the “Relevant Time Period”), a period of time when A.S., a minor, was alleged to have been housed at Red Rock Canyon School, a facility that housed youths located at 747 E. St. George Boulevard in St. George, Utah, 84770 (“Red Rock Canyon School”).

5. In addition to Vivant, the Complaint brings claims against: (a) the Red Rock Canyon School, LLC, Red Rock Canyon School Non-Profit Organization; (b) Sequel TSI Holdings, LLC and Sequel Youth and Family Services, LLC (collectively, the “Sequel Defendants”); (c) Marilyn Jones, Jana McLellan, Glenda Marshall, Ryan Santi, Gena Palm, and John Stupak (collectively, the “Individual Defendants”); and (d) the State of Oregon.

6. During the Relevant Time Period, Vivant had no ownership interest in Red Rock Canyon School. Vivant has never had an ownership interest in Red Rock Canyon School. Vivant never owned, controlled, or operated Red Rock Canyon School, either directly or indirectly through any subsidiary.

7. During the Relevant Time Period, Vivant did not provide any foster care services pursuant to a contract with the State of Oregon.

8. During the Relevant Time Period, Vivant did not employ any of the Individual Defendants.

9. During the Relevant Time Period, Vivant had no ownership interest, whether direct or indirect, in any of the Sequel Defendants. Vivant has never had an ownership interest, whether direct or indirect, in any of the Sequel Defendants.

10. Vivant never merged with Sequel Youth and Family Services, LLC.

11. In 2021, Vivant did acquire certain subsidiaries of Sequel Youth and Family Services, LLC. None of these subsidiaries, however, was located in Oregon or Utah, and none had any involvement with Red Rock Canyon School.

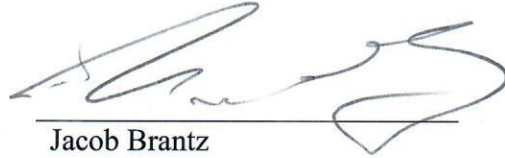
12. Vivant can confirm that it never provided any foster care or related services in Oregon or Utah from January 22, 2018 through May 31, 2019 – or indeed, at any time – and thus can likewise confirm that it never provided any services to A.S., the plaintiff in this lawsuit, during the timeframe referenced in this lawsuit.

13. Vivant does not have any liability insurance coverage that provides indemnity for this lawsuit because it did not own Red Rock Canyon School and had no involvement whatsoever with the school's operations.

[THIS SPACE INTENTIONALLY LEFT BLANK]

14. The statements made in this Affidavit are true and correct to the best of my personal knowledge or information and belief.

Affiant further sayeth naught.



Jacob Brantz

Sworn to before me this 18 day
of October, 2023



Notary Public

